

REMARKS

Claims 10-15 remain pending. Reconsideration of the application is respectfully requested.

Claim 10 was rejected under 35 U.S.C. § 102(b) as anticipated by Wang (USPN 5,348,538). The Examiner asserts, *inter alia*, that the cited reference teaches the annealing of the extruded tubular product prior to its expansion. Applicants respectfully traverse. The particular passage cited by the Examiner in fact describes the heating of the tubing **during** its longitudinal expansion. Additionally, no suggestion is made to allow the tubing to slowly cool (an inherent part of any annealing step) prior to its radial expansion. Independent claim 1 unequivocally calls for the tubing to be annealed **prior** to **any** expansion. As such, it is respectfully submitted that anticipation is therefore avoided.

Additionally, the cited reference fails to teach a second annealing step that is performed at a temperature of **not less** than the temperature at which the material is radially expanded. The reference describes a process wherein the expansion is performed at a temperature of 95C (col. 10, line 65 to col. 11, line 9) and a subsequent annealing at 25-100C, **preferably** 65-80C and thereby fails to teach that the annealing temperature must be less than the expansion temperature. It is respectfully submitted that the claimed method not only avoids anticipation but provides a non-obvious method for using a block copolymer to make a noncompliant balloon.

Claims 11-15 were rejected under 35 U.S.C. § 103(a) as obvious over Wang. In light of the non-obviousness of underlying independent claim 1 as was argued above, it is respectfully submitted that all claims depending therefrom similarly avoid obviousness.

In light of the above remarks, applicants earnestly believe the application to now be in condition for allowance and respectfully request that it be passed to issue.

The commissioner is authorized to charge any deficiencies in fees or credit any overpayments to our Deposit Account No. 06-2425.

Respectfully submitted,

FULWIDER PATTON LLP

/Gunther O. Hanke/
Gunther O. Hanke
Registration No. 32,989

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